

Testimony of Andrew A. Feinstein
Special Education Equity for Kids in Connecticut
Committee on Education
March 3, 2022

Chairman McCrory, Chairman Sanchez, Senator Berthel, Representative McCarty, and members of the Committee.

My name is Andrew Feinstein, and I am the Legislative Chair of Special Education Equity for Kids in Connecticut (SEEK), a statewide organization of parents, providers, attorneys and advocates working for excellent education for students with disabilities.

I am here to provide SEEK's views on four bills on today's agenda: S.B. 226, S.B. 232, H.B. 5283 and H.B. 5287. Before doing so, however, I want to bring to the Committee's attention H.B. 5001, the Children's Mental Health Bill. This bill contains a number of provisions concerning therapeutic services in schools, but its provisions are disjointed and inadequate. To address the mental health crisis, we need to mandate a Multi-Tiered System of Supports (MTSS) in every school in Connecticut. SEEK believes designing such a system is the work of this Committee. We are committed to working with you to put together the continuum of academic, emotional, behavioral, social and mental health services that will address the sharp rise in anxiety, depression, and effects of trauma afflicting our school children.

A number of the bills before the Committee today do address the current crisis. S.B. 226 liberalizes the teacher certification requirements to mitigate the severe staffing shortage facing the state. This staffing shortage is most acute for special educators. Far more needs to be done, however, to permit schools to hire the staff they need to operate. There are some short-term remedies being implemented by the Department of Education. This Committee has developed some long-term solutions, aimed at making school staff be reflective of the students who the staff serve. We commend to your consideration the creation of a ROTC-type program, where the

state would identify promising high school students and pay their way through college and teacher certification, in exchange for a multi-year service commitment. Such a program should be targeted at students who look like and come from similar backgrounds as our public-school students do.

We oppose S.B. 232, which would reduce the threshold for excess cost reimbursement for very expensive special education placements. Currently, the only specific appropriation for special education in Connecticut is for excess cost reimbursement. Connecticut is in the distinct minority of states in not having a grant to school districts based on the number of special education students enrolled¹. Excess cost grants are a catastrophic insurance program to soften the impact of very expensive placements for school districts. The amount of the appropriation has been capped at \$140 million for the last 12 years, so where districts got 100% of their costs above 4.5 times the average per pupil cost in the district in 2012, they will now get about 66% of those costs in 2022. Certainly, the excess cost grant should be fully funded at \$210 million.

But doing so does nothing to improve the delivery of special education to the vast majority of students in each school district in the State. School districts in Connecticut are in desperate shape now, facing massive shortages in special education teachers, speech therapists, occupational therapists, social workers and all the other professionals that make up the special education team. Further, the law is clear that special education services missed due to COVID need to be made up under something called compensatory education. Even those districts with Title I schools that have substantial ESSER and ARP funds are reluctant to hire staff for fear of the fiscal cliff on September 30, 2024.

¹ <https://reports.ecs.org/comparisons/k-12-and-special-education-funding-2021>

The State of Connecticut needs a regular grant to school districts based on the number of special education students in district, with the per capita amount adjusted for the town's property wealth. A program that would reimburse the richest towns for \$1,000 per special education student and would reimburse Hartford, New Britain, New Haven, Windham, etc. at \$4,400 per student would need an appropriation of \$250 million. Such money should be limited to the provision of services in-district and to funding independent educational evaluations.

Reducing the threshold for excess cost reimbursement from four and half times average per pupil expenditures to 2.5, 3, and 3.75 times average per pupil expenditures, depending on the wealth of the district, will increase the total amount eligible for the excess cost grant by a factor of four or five. So, full funding would no longer be \$210 million. It would be more like \$1 billion. If the appropriation remains frozen at \$140 million, reimbursement levels would be 14%. We are deluding ourselves if we think that an appropriation to fully fund the sort of expanded excess cost grant provided under S.B. 232 is in the cards.

SEEK fully supports H.B. 5283. Certain districts received large sums of money under ESSER and ARP. Those dollars dry up in September 2024. Districts need to know that they will continue to be fully funded, as provided by the Education Cost Sharing Grant, beyond that date. H.B. 5283 would assure full funding for the districts that need it the most. The bill would also provide appropriate funding to magnet schools and charter schools, which are, in many schools, the places that provide quality education to students from impoverished districts. The bill would create a task force on education funding which SEEK is designated as a member. We are delighted that representatives of students with disabilities and their parents will be part of the process.

H.B. 5283 addresses two critical needs simultaneous. It deals with the critical shortfall in education funding after the stimulus money ends and it deals with the hideous inequity that now exists between rich suburban districts and impoverished urban districts. The bill is worthy of your support.

SEEK opposes H.B. 5287. We have closely reviewed the newly proposed Connecticut Standards for Remote Learning Grades 9 to 12, released by the State Department of Education last week. And, we have met with CSDE officials. They have done a herculean job in writing guidance, but the big questions remain. Frankly, we do not think a generalized program of remote learning is ready for prime time. We would prefer the implementation of the standards in, perhaps, 10 settings, with various levels of coverage to work out the numerous problems created before allowing all districts to utilize remote learning as they see fit and to prepare for a state-wide school. We are particularly concerned about how remote learning will impact students with disabilities. We are concerned about increased segregation and the creating of learning options not available to students with disabilities. H.B. 5287 expedites the process of remote learning. We would prefer to slow down the process.

We can make out special education dollars go farther by encouraging more interdistrict cooperation. We can provide students with more course options. We can reduce administrative costs by having functions shared between districts. We can have the RESCs play a larger role.

As always, SEEK stands ready to work with the committee and its members on matters relating to special education.